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# Strengthening of the rule of law

## Report of the Secretary-General

## I. Introduction

1. At its fifty-first session, the General Assembly adopted resolution 51/96 of 12 December 1996, in which, recognizing that the Office of the United Nations High Commissioner/Centre for Human Rights remained the focal point for coordinating system-wide attention for human rights, democracy and the rule of law, it noted that its programme of advisory services and technical assistance did not have assistance funds sufficient to provide any substantial financial assistance to national projects that had a direct impact on the realization of human rights and the maintenance of the rule of law in countries that were committed to those ends but that faced economic hardship. Emphasizing the importance on effective collaboration within the United Nations, the Assembly welcomed the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law; encouraged the High Commissioner to pursue those consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law; and also encouraged the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law; and requested the Secretary-General to submit a report to it at its fifty-second session on the results of the contacts as well as on any other relevant developments.

## II. Assistance provided by the Office of the United Nations High Commissioner for Human Rights in the area of strengthening the rule of law

2. In accordance with General Assembly resolutions 48/141 of 20 December 1993 and 51/96 and other relevant Assembly resolutions, the High Commissioner for Human Rights has the principal responsibility within the United Nations system for providing advisory services and technical and financial assistance with a view to supporting actions and programmes in the field of human rights. To that end, the technical cooperation programme of the Office of the United Nations High Commissioner for Human Rights has

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been developed to respond to requests from Member States seeking to strengthen the rule of law and, thereby, to secure the effective enjoyment of human rights. Among others, assistance is provided on incorporating international human rights standards in national laws, policies and practices and building national capacities and regional structures for the promotion and protection of all human rights, democracy and the rule of law. The programme offers a wide range of assistance and activities to those ends, including the strengthening of democratic institutions; human rights training and support to parliament, the judiciary and police, military and prison officials; constitutional assistance; legislative reform, in particular to ensure conformity with the relevant international human rights standards; strengthening capacity with regard to the administration of justice; the establishment and strengthening of national human rights institutions; training on the human rights aspects of free and fair elections; the promotion of human rights education, including curriculum development; and support to non-governmental organizations and civil society. Additional information on the programme and on specific activities undertaken in 1996 is contained in the report of the Secretary-General to the Commission on Human Rights on advisory services in the field of human rights.[1] Materials on specific technical cooperation projects, including many referred to in the above-mentioned report, may be found on the Website of the United Nations High Commissioner for Human Rights, which is available on the Internet at http://www.unhchr.ch.

3. It should be noted that, as part of its continuing efforts to develop training materials in support of rule of law technical cooperation activities, the Office recently finalized a major training package for the police, including a training manual for police trainers, training tools and visual aids. The training package also includes the *Pocket Guide on Human Rights Standards for the Police*, which is designed to be a readily accessible and portable reference for law enforcement officers and contains hundreds of standards in simplified format, organized according to police duties, functions and topics. The training package has been tested and developed in numerous training courses organized by the Office in different countries over the past three years and, in some cases, adapted to local conditions. For example, following a course organized by the Office for police trainers in Malawi, a specially adapted version was produced for Malawi police trainers and presented to the Inspector-General of Police. As part of the technical cooperation project in support of the United Nations Decade for Human Rights Education, the Office is in the process of producing a number of other human rights training packages, including one for legal professionals (judges, magistrates, prosecutors and lawyers) and one for prison officers. Lastly, two trainers' guides on human rights for civilian police and military trainers of peacekeepers were developed in 1996 and produced in connection with the two training courses conducted in cooperation with the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Staff College at Turin, Italy.

## III. Increasing system-wide coordination of assistance in promoting human rights, democracy and the rule of law

4. In view of the growing number of United Nations bodies and agencies undertaking national assistance programmes in areas that touch upon human rights and the rule of law, it has become increasingly important that due attention be given to the coordinating role of the High Commissioner for Human Rights in order to incorporate the substantive expertise of the Office of the High Commissioner into such programme activities, to enhance effectiveness of action and to avoid unnecessary duplication. In that connection, the Vienna Declaration and Programme of Action states:[2]

> "The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication."

### A. Increased coordination and cooperation at the national and international levels

5. Presently, the Office of the United Nations High Commissioner for Human Rights is carrying out major technical cooperation projects involving the rule of law in Argentina, Armenia, Bhutan, Burundi, Cambodia, El Salvador, Guinea, Malawi, Namibia, Nepal, Palestine, Rwanda, South Africa and Togo. Many of those projects are being undertaken in cooperation with other United Nations entities. In Palestine, for example, a technical cooperation project office opened in November 1996 to implement a two-year project on strengthening the rule of law through assistance and training for the Police Training School, expert

advice on legal reform, training for judges, prison officials and legal drafters and the provision of human rights documentation to government ministries and non-governmental organizations. The project is a part of a larger initiative involving a number of United Nations agencies providing support for the rule of law in Palestine. In that connection, the High Commissioner has provided a member of her staff who, since 1996, acts as a special adviser to the United Nations Special Coordinator in the Occupied Territories. Rule of law assistance from 17 bilateral and multilateral donor agencies active in Palestine is coordinated through the Office of the Special Coordinator.

6. Similarly, the field presence of the Office of the High Commissioner in Cambodia is implementing a major rule of law programme in coordination with numerous United Nations agencies and other international donors. One of the priorities of the technical cooperation project there is securing a system for the administration of justice consistent with international standards through assistance in drafting basic laws; training, assistance and human rights documentation for the courts; provision of training to police and prison personnel; assistance in drafting prison rules and regulations; and the training of paralegals.

7. The Office of the High Commissioner is presently implementing several major rule of law projects at the regional and global levels in close cooperation with other United Nations entities as well as regional organizations. Recent examples include the following:

(a) A project in cooperation with UNDP to strengthen regional cooperation among national human rights institutions in the Commonwealth of Independent States (CIS), as well as in Eastern and Central Europe;

(b) A regional project on human rights training for heads of military academics in Africa, in cooperation with the Organization of African Unity (OAU);

(c) A one-year project, in cooperation with the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), to collect data on human rights conditions in prisons in Central America, as well as to assess needs. A seminar is planned to discuss the findings and devise regional and national strategies for improving the prison systems in Central American countries;

(d) A two-year project, in cooperation with the Andean Commission of Jurists, to strengthen the administration of justice in the Andean region through the development of a database of judicial indicators; the creation of a regional information network; and the training of magistrates;

(e) In Bosnia and Herzegovina and in Eastern Slavonia, a major training course on human rights monitoring and law enforcement for International Police Task Force members of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and for civilian police monitors of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES);

(f) A two-year project, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), to implement the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004);

(g) Two projects, in cooperation with the Department of Peacekeeping Operations and (for one of the projects) UNHCR and the ILO Training Centre, on peacekeeping and human rights for military and civilian police trainers.

### B. Consultations within the United Nations system

8. In accordance with the mandate of the High Commissioner and pursuant to the pertinent resolutions of the General Assembly, the Office of the High Commissioner has deepened the ongoing dialogue with other United Nations entities with a view to integrating human rights concerns into all aspects of the Organization's work and to enhance system-wide coordination in promoting human rights, democracy and the rule of law. To that end, the Office has developed a number of new joint initiatives with many United Nations agencies and programmes, some of which are described in the preceding paragraph. Consultations with UNDP in particular has led not only to more joint projects but also to new cooperative arrangements that are expected to be finalized soon.

9. Another notable development has recently resulted from discussions between the Office, the Crime Prevention and Criminal Justice Division, the United Nations Children's Fund (UNICEF) and others with a view to closely coordinating assistance in the area of the administration of juvenile justice. Those discussions produced the detailed Guidelines for Action on Children in the Criminal Justice System, which were adopted by the Economic and Social Council in its resolution 1997/30, on the administration of juvenile justice. In that resolution the Council invited the Secretary-General to establish a coordination panel on technical advice and assistance in juvenile justice as foreseen in the guidelines. The panel is to consist of

representatives of the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights, UNICEF, UNDP, other relevant United Nations organizations and interested regional and non-governmental organizations. It will focus its work in particular on follow-up to requests received from Member States pursuant to the recommendations of the Committee on the Rights of the Child.

10. In 1996 and 1997, the Office of the High Commissioner continued discussions with the World Bank aimed at securing greater support for the High Commissioner's efforts to strengthen the rule of law. Those discussions have not yet produced concrete results, but will continue in 1998.

11. In the context of the Secretary-General's plans for reform of the Organization, the High Commissioner is a member of the new policy coordination group of department heads and senior officials created to improve communication, cooperation and coordination among the Secretariat, UNDP, UNICEF and the United Nations Population Fund (UNFPA). Human rights concerns will also figure prominently in the work of the four executive committees the Secretary-General established in the key substantive areas of peace and security; economic and social affairs; development operations; and humanitarian relief. Those mechanisms will help the various United Nations departments, offices, funds, programmes and other entities to identify shared strengths and priorities, improve system-wide understanding of human rights issues and avoid duplication of effort.

### C. Analysis by the High Commissioner of United Nations system-wide assistance

12. Most recently, the Secretary-General stated in his report of 14 July 1997, entitled "Renewing the United Nations: a programme for reform" (A/51/950), that better coordination of human rights-related assistance among the United Nations entities concerned would enhance the impact of those activities and reduce their overall costs. To that end, he directed the High Commissioner for Human Rights to undertake an analysis of technical assistance provided by United Nations entities in areas related to human rights and to formulate proposals for improving complementarity of action (ibid., paras. 200 and 201). The analysis will provide an overview of United Nations technical cooperation activities in areas that have a bearing on human rights and the rule of law; develop a better understanding of United Nations mandates and capacities in this field, including the comparative advantages of the various agencies and programmes concerned; identify the needs for closer inter-agency cooperation and coordination in order to avoid duplication; identify gaps and weaknesses in present arrangements with respect to programme content, target beneficiaries, funding and project administration; and identify ways to respond better to existing needs as to the quality, consistency and timing of United Nations assistance in the field of human rights and related areas. Steps have been taken by the High Commissioner to begin the exercise, which is expected to be completed in early 1998. There will be close consultation between her Office and United Nations partners throughout the process. A high-level expert inter-agency meeting may be convened by the High Commissioner in order to discuss the final report and to identify steps to be taken to implement the recommendations contained therein.

*Notes*

[1] E/CN.4/1997/86.

[2] A/CONF.157/24 (Part I), chap. III, sect. II.A, para. 1.